

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

LIGADO NETWORKS, LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 23-1797
)	Senior Judge Damich
THE UNITED STATES,)	
)	
Defendant.)	

**DEFENDANT’S MOTION FOR AN
EXTENSION OF TIME TO FILE RESPONSE TO COMPLAINT**

Pursuant to Rules 6(b) and 6.1 of the Rules of the United States Court of Federal Claims, defendant, the United States, respectfully requests a 45-day enlargement of time, to and including January 25, 2024, to file a response to the complaint, ECF No. 1. Our response is currently due on December 11, 2023. This is our first request for an extension of time. With respect to the requested extension, Government counsel of record conferred in good faith with plaintiff’s counsel by phone on November 21, 2023, and by email on November 24, 2023. As of this filing the Government does not know whether plaintiff intends to oppose the extension.

Good cause supports this extension request because of the need to obtain agency litigation reports prior to filing the response, the nature of this matter, and Government counsel of record’s responsibilities in other matters and upcoming leave. As an initial matter, prior to filing the response to plaintiff’s complaint, the Government needs to receive litigation reports pursuant to 28 U.S.C. § 520 from the Department of Defense and the Department of Commerce. The agencies have been diligently working on these reports, and we expect to receive them within the next few weeks. This is also a matter in which plaintiff has filed a sprawling 67-page complaint seeking tens of billions of dollars based on allegations that various Federal agencies

and Congress effected a Fifth Amendment taking of spectrum licensed by the Federal Communications Commission. Given the legal and factual issues raised in this matter, Government counsel will need to spend considerable time preparing the response, and coordinating the response with numerous Federal agencies, in addition to the Departments of Defense and Commerce, and within the Department of Justice.

In addition, during the response period, counsel of record has spent a substantial amount of time working on numerous other matters in this Court and the United States Court of Appeals for the Federal Circuit, including preparing for and presenting oral argument in *Johnson v. McDonough*, No. 22-1883 (Fed. Cir.) (argued November 7, 2023), and *Peraton Corporation et al. v. United States*, No. 23-306 (Fed. Cl.) (argued November 3, 2023); preparing a motion to dismiss in *Defense Distributed et al. v. United States*, No. 23-849 (Fed. Cl.) (filed on October 19, 2023); and preparing a response brief in *Dinh et al. v. United States*, No. 23-2100 (Fed. Cir.) (due on December 20, 2023).

Good cause also supports the requested extension because of counsel of record's upcoming leave, including for international travel. Counsel of record will be on leave from November 22nd until November 27th, and from December 1st until December 11th.

During our response period, Government counsel has spent a significant amount of time reviewing plaintiff's complaint, researching the applicable law, coordinating with various Federal agencies, and preparing the response, but for the reasons stated above, additional time is necessary for the Government to prepare the response to plaintiff's complaint, and for agency review and review within the Department of Justice.

For these reasons, we respectfully request that the Court grant our motion for an enlargement of time of 45 days, to and including January 25, 2024, within which to file a response to plaintiff's complaint.

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY
Director

s/L. Misha Preheim
L. MISHA PREHEIM
Assistant Director

s/Nathanael B. Yale
NATHANAEL B. YALE
Senior Trial Counsel
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 616-0464

BORISLAV KUSHNIR
Senior Trial Counsel

November 24, 2023

Attorneys for Defendant